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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,891	05/14/2001	Jerry Joseph Quinn	52466.002	8986

7590 06/02/2003

Sean M. Casey Co., L.P.A.  
Attention: Sean M. Casey  
P.O. Box 710  
New Albany, OH 43054-0710

EXAMINER

VARNER, STEVE M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/854,891

Applicant(s)

QUINN, JERRY JOSEPH

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/19/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Jenkins et al. and Slasinski.

Regarding claims 1, 8, 10, 16, 17, 19, Hartman shows a metallic sheet (Col. 1, Line 13) with a V-shaped configuration and one attachment hole (42). (Fig. 2) Hartman does not show an alignment indicium. Jenkins et al. shows indicium. (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use indicium as in Jenkins et al. for the purposes of alignment in the structure of Hartman. Hartman does not show two clinch joints. Slasinski shows a clinch joint. (Fig. 10) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use clinch joints to releasably fasten the overlapping edge portions together.

Regarding claims 2, 9, 18, Hartman shows an inside angle of about 90 degrees. (Fig. 2)

Regarding claims 3, 11, 20, Hartman shows extruded metal (Col. 4, Line 16).

Regarding claims 4, 12, 21, Hartman shows polyvinyl chloride (Col. 4, Line 6).

Regarding claims 5, 22, 13, Hartman shows aluminum (Col. 3, Line 68)

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Regarding claims 6, 7, 14, 15, 23, 24, Hartman shows the basic claimed structure. Hartman does not show the clinch joint is a mechanical press fit interference press fit joint. Slasinski shows a clinch joint formed by a mechanical pressed interference press fit joint. (Abstract) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a mechanical pressed interference press fit joint in the structure of Hartman to hold the two sections together.

***Response to Arguments***

Applicant's arguments filed 3/19/03 have been fully considered but they are not persuasive.

Applicant argues that Hartman's spacers teach away from applicant's tightly joined flashing.

Hartman's flashing is tightly joined at 42. (Fig. 2)

Applicant argues that Slasinski's clinch joints are permanent while applicant's are releasable.

Slasinski is silent on whether his clinch joints are permanent; therefore, since the applicant and Slasinski both teach clinch joints, it is assumed that Slasinski's clinch joints may be releasable.

Applicant argues that his shingle-to-flashing alignment indicia is not taught.

Indicia may be placed anywhere alignment is needed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoffman teaches roof flashing strip and method of production.

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Theriault reveals flashing. Schleicher shows leak proof joint and method and apparatus for forming same.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

May 28, 2003

A handwritten signature, possibly reading 'SV', is written in black ink.A handwritten signature of Carl D. Friedman is written in black ink.

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600